

专利合作条约

PCT

专利性国际初步报告

(PCT 第II章)

(PCT36 和细则 70)

REC'D 20 JUL 2005

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|----------------------------------------------------------------------|------------------------------------------|-------------|
| 申请人或代理人的档案号 IEE030033PCT | 关于后续行为 参见 PCT/IPEA/416 表 | |
| 国际申请号 PCT/CN03/01012 | 国际申请日(日/月/年) 27.11月 2003 (27.11.2003) | 优先权日(日/月/年) |
| 国际专利分类(IPC)或者国家分类和 IPC 两种分类 IPC ⁷ : H04Q7/00 H04J13/00 | | |
| 申请人 UT 斯达康(中国)有限公司 等 | | |

1. 本报告是国际初步审查单位根据条约 35 做出的国际初步审查报告，并依照条约 36 将其传送给申请人。

2. 本报告共计 3 页，包括扉页。

3. 本报告还有附件，
 a. (传送给国际局和申请人) 共计 _____ 页，包含
 修改后的并且作为本报告基础的说明书修改页、权利要求书修改页和/或附图修改页，和/或对本国际初步审查单位所做出的更正页(见 PCT 细则 70.16 和行政规程 607)。
 国际初步审查单位认为修改超出原始公开范围的取代页，参见第 I 栏第 4 项和补充栏。
 b. (传送给国际局) 共计 (指明电子载体的类型和数量) _____，包含有在与序列表有关的补充栏中指明的电子形式的序列表和/或与其相关的表格。(行政规程 802)

4. 本报告包括关于下列各项的内容：
 I 报告的基础
 II 优先权
 III 不做出关于新颖性、创造性和工业实用性的意见
 IV 缺乏发明的单一性
 V 按条约 35(2) 关于新颖性、创造性和工业实用性的理由；支持这种意见的引证和解释
 VI 引用的某些文件
 VII 国际申请中的某些缺陷
 VIII 对国际申请的某些意见

| | |
|----------------------------------------------------|---------------------------------------|
| 提交要求书的日期 30.05 月 2005 (30.05.2005) | 完成本报告的日期 24.06 月 2005 (24.06.2005) |
| 中华人民共和国国家知识产权局 IPEA/CN 中国北京市海淀区西土城路 6 号(100088) | 受权官员 傅海望 |
| 传真号：(86-10) 62019451 | 电话号码 (86-10) 62084570 |

I. 报告的基础

1. 关于语言, 本报告将基于:

- 申请提出时使用的语言。
- 该申请的_____语言译文, 提供该种语言的译文是
- 为了国际检索而提交的译文所使用的语言(细则 12.3 和 23.1 (b))。
 - 为了国际申请的公布而提交的译文所使用的语言(细则 12.4)。
 - 为了国际初步审查而提交的译文所使用的语言(细则 55.2 和/或 55.3)。

2. 关于国际申请中各个部分, 本报告基于(申请人为答复受理局根据条约 14 所发通知而提交的替换页, 在本报告中视为“原始提交”的文件, 不作为本报告的附件)

- 原始提交的国际申请。

- 说明书, 第_____页, 原始提交的,
第_____页*, _____初审单位收到的,
第_____页*, _____初审单位收到的。
- 权利要求, 第_____页, 原始提交的,
第_____页, 按条约 19 条修改的(附有说明),
第_____页*, _____初审单位收到的,
第_____页*, _____初审单位收到的。
- 附图, 第_____页, 原始提交的。
第_____页*, _____初审单位收到的,
第_____页*, _____初审单位收到的。
- 序列表和/或相关表格——参见与序列表有关的补充栏。.

3. 修改导致以下内容的删除:

- 说明书, 第_____页
- 权利要求, 第_____项
- 附图, 第_____页, 图_____
- 序列表(具体说明) _____
- 与序列表相关的表格(具体说明) _____

4. 由于本报告附件的(某些)修改, 如下所列, 被认为超出了原始公开的范围, 如补充栏所示, 因此本报告是按照没有修改的情况做出的(细则 70.2(c))。

- 说明书, 第_____页
- 权利要求, 第_____项
- 附图, 第_____页, 图_____
- 序列表(具体说明) _____
- 与序列表相关的表格(具体说明) _____

*如果第 4 项适用, 一些或全部的文件页可能做出“被取代”标记。

专利性国际初步报告

国际申请号

PCT/CN03/01012

V. 按条约 35(2)关于新颖性、创造性或工业实用性的意见；支持这种理由的引证和解释

1. 意见

新颖性(N) 权利要求 1—33 _____ 是

权利要求 _____ 否

创造性(IS) 权利要求 1—33 _____ 是

权利要求 _____ 否

工业实用性(IA) 权利要求 1—33 _____ 是

权利要求 _____ 否

2. 引证和解释（细则 70.7）

本文档引用下列文件：

D1: CN1360446A

D2: CN1423495A

D3: WO9845966A2

其中

D1 公开的是无线电资源分配方法和使用该方法的基站；

D2 公开的是基站、无线资源控制装置、移动台、通信系统及通信方法；

D3 公开的是用于在通信网络中调度数据传输的方法和设备；

上述对比文件 D1~D3 并未给出权利要求 1—33 中定义的本发明的内容。

因此，权利要求 1—33 符合专利合作条约第 33 条 (2)、(3)、(4) 款的规定，具备新颖性、创造性和工业实用性。

Translation

PATENT COOPERATION TREATY

PCT



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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | |
|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|--------------------------------|
| Applicant's or agent's file reference IEE030033PCT | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/CN03/01012 | International filing date (day/month/year) 27.11 月 2003 (27.11.2003) | Priority date (day/month/year) |
| International Patent Classification (IPC) or national classification and IPC IPC ⁷ : H04Q7/00 H04J13/00 | | |

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| Applicant UTSTARCOM (CHINA) CO. LTD. et al. | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). | | |
| <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application | | |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Date of submission of the demand 30 May 2005 (30.05.2005) | Date of completion of this report 24. Jun 2005 (24.06.2005) |
| Name and mailing address of the IPEA/CN The State Intellectual Property Office, the P.R.China, 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, China 100088 Facsimile No. 86-10-62019451 | Authorized officer Fu Harwang Telephone No. (86-10)62084570 |

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- the international application in the language in which it was filed
 a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
 international search (Rules 12.3(a) and 23.1(b))
 publication of the international application (Rule 12.4(a))
 international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- the international application as originally filed/furnished

the description:

pages _____ as originally filed/furnished
 pages _____ received by this Authority on _____
 pages _____ received by this Authority on _____

the claims:

pages _____ as originally filed/furnished
 pages _____ as amended (together with any statement)under Article 19
 pages _____ received by this Authority on _____
 pages _____ received by this Authority on _____

the drawings:

pages _____ as originally filed/furnished
 pages _____ received by this Authority on _____
 pages _____ received by this Authority on _____

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1–33</u> | YES |
| | Claims _____ | NO |
| Inventive step (IS) | Claims <u>1–33</u> | YES |
| | Claims _____ | NO |
| Industrial applicability (IA) | Claims <u>1–33</u> | YES |
| | Claims _____ | NO |

2. Citations and explanations (Rule 70.7)

The following document is cited here:

D1: CN1360446A

D2: CN1423495A

D3: WO9845966A2

in which:

D1 discloses Radio resources allocation method e.g. for controlling allocation of up/down link radio resources to mobile stations linked to base station, involves detecting use-state information of radio resources; D2 discloses Base station for wireless communication system, has radio resource controller that allocates priority radio resources which are usable by mobile station to radio channel by using quantity of stored packets; D3 discloses Data transmission scheduling in communication network - determining reverse link capacity available and assigning and sending transmission rate to user based on available capacity.

The invention defined in claims 1-33 is not disclosed by any of these documents.

The cited prior art doesn't give an indication that would lead a person skilled in the art to the **METHOD OF WIRELESS CHANNEL RESOURCE ALLOCATION AND RATE CONTROL IN A CDMA COMMUNICATION SYSTEM**. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claim 1-33 is novel and is considered to involve an inventive step. The invention is industrially applicable.